

1/27/97

HOUSE BILL

\_\_\_\_ Legislature - STATE OF \_\_\_\_\_ - FIRST SESSION, \_\_\_\_\_

INTRODUCED BY

DISCUSSION DRAFT

(Additional models available from NELAC Implementation Committee)

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE ENVIRONMENTAL  
LABORATORY CERTIFICATION ACT; PROVIDING FOR THE CERTIFICATION OF  
ENVIRONMENTAL LABORATORIES; CREATING A FUND; PROVIDING PENALTIES;  
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_:

Section 1. SHORT TITLE.--This act may be cited as the  
"Environmental Laboratory Certification Act".

Section 2. DEFINITIONS.--As used in the Environmental  
Laboratory Certification Act:

A. "board" means the environmental improvement board;

B. "department" means the department of \_\_\_\_\_;

C. "laboratory" means a scientific laboratory that  
performs analyses to determine the chemical, molecular or  
pathogenic components of drinking water, wastewater, hazardous  
wastes, soils or air for regulatory compliance;

1           D. "person" means an individual or other legal entity;  
2 and

3           E. "secretary" means the secretary of \_\_\_\_\_.  
4

5           Section 3. ENVIRONMENTAL IMPROVEMENT BOARD--POWERS AND  
6 DUTIES--LABORATORY CERTIFICATION PROGRAM.--The board shall adopt  
7 and promulgate rules and regulations for the implementation of  
8 the provisions of the Environmental Laboratory Certification Act.  
9 The rules and regulations shall include:

10           A. application procedures and reasonable fees for  
11 administration of the act;

12           B. standards for certification of laboratories; and

13           C. standards for reciprocity with other states or the  
14 United States for certification of laboratories.

15           Section 4. DEPARTMENT POWERS AND DUTIES.--

16           A. The department shall:

17               (1) establish and administer the environmental  
18 laboratory certification program;

19               (2) issue, deny, revoke or suspend the  
20 certification of a laboratory pursuant to the provisions of the  
21 Environmental Laboratory Certification Act or regulations adopted  
22 pursuant to the provisions of that act; and

23               (3) collect fees sufficient to administer the  
24 program.

25           B. The department shall not:

1                   (1) accept analytical results from a laboratory  
2 that is not certified pursuant to the Environmental Laboratory  
3 Certification Act; or

4                   (2) issue a permit to an applicant whose  
5 application for a permit pursuant to the <Air Quality Control  
6 Act, the Radiation Protection Act, the Hazardous Waste Act, the  
7 Water Quality Act or the Solid Waste Act> is based upon  
8 information submitted by a laboratory that is not certified  
9 pursuant to the Environmental Laboratory Certification Act.

10           Section 5. FUND CREATED.--The "environmental laboratory  
11 certification fund" is created in the state treasury. All fees  
12 collected pursuant to the Environmental Laboratory Certification  
13 Act or any regulations adopted pursuant to that act shall be  
14 deposited in the fund and shall be used by the department for  
15 administration of that act. The state treasurer shall invest the  
16 fund as other state funds are invested, and all income derived  
17 from the fund shall be credited to the fund. All money in the  
18 fund is appropriated to the department for expenditure to carry  
19 out provisions of that act. Disbursements from the fund shall be  
20 made on warrants drawn by the secretary of <finance and  
21 administration> pursuant to vouchers signed by the secretary  
22 of \_\_\_\_\_ or his authorized designee. All balances in the  
23 fund shall remain in the fund and shall not revert to the general  
24 fund.

1           Section 6.  UNLAWFUL ACTS.--A person is guilty of a  
2  misdemeanor if he:

3                   A.  falsely represents that a laboratory is certified  
4  pursuant to provisions of the Environmental Laboratory  
5  Certification Act;

6                   B.  willfully submits information that is falsely  
7  represented to be prepared by a certified laboratory to the  
8  department or to any other state agency; or

9                   C.  willfully violates any provision of that act.

10          Section 7.  CRIMINAL PENALTY.--Each violation of a provision  
11  of Section 6 of the Environmental Laboratory Certification Act is  
12  a separate offense, and is punishable by a definite term of  
13  imprisonment of less than one year or a fine of not more than  
14  five thousand dollars (\$5,000), or both.

15          Section 8.  CIVIL PENALTY.--A district attorney, the  
16  attorney general or the department may bring a civil action  
17  alleging a violation of the Environmental Laboratory  
18  Certification Act, and a petition may be made to the district  
19  court for temporary or permanent injunction relief.